U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2000-00748-1

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State: New York
County: Delaware, Ulster

Center coordinates of site (latitude/longitude): lat:42-6-26.7840 lon:74-26-55.6800

Approximate size of area (parcel) reviewed, including uplands: 1,495 acres.

Name of nearest waterway: Birch Creek

Name of watershed: HUDSON RIVER - POUGHKEEPSIE TO TROY

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Completed: Desktop determination [] Date:
Site visit(s) [X] Date(s): August 16, 2000 and September 23, 2004

Jurisdictional Determination (JD):

[] F	reliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
 - [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
 - [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 21.47 acres.
 - [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

 [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands on one portion of site include intermittent streams which flow to Birch Creek, which flows to Esopus Creek, which flows to the Hudson River, which is navigable. Wetlands on other portion of site include intermittent streams which flow to Emory Brook, which flows to the East Branch Delaware River, which flows to the Delaware River, which is navigable.

Lateral Extent of Jurisdiction: (Reference: 33 CFR [X] Ordinary High Water Mark indicated by: [X] elear, natural line impressed on the bank [X] the presence of litter and debris [X] changes in the character of soil [X] destruction of terrestrial vegetation [X] shelving [] other:	parts 328 and 329) [] High Tide Line indicated by: [] oil or seum line along shore objects [] fine sbell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical marking	gs; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wet	land delineation map and/or in a delincation report prepared by:
the United States: [] Waste treatment systems, including treatment por [] Artificially irrigated areas, which would revert to [] Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing. [] Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain water filled depressions ereated in dry land inci the purpose of obtaining fill, sand, or gravel unlabandoned and the resulting body of water meet 328.3(a). [X] Isolated, intrastate wetland with no nexus to interpretations.	that the following waters present on the site are not Waters of onds or lagoons, pursuant to 33 CFR part 328.3. The upland if the irrigation ceased. The analysis and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created water for primarily aesthetic reasons. The definition of waters of the United States found at 33 CFR cerstate commerce. Natural Resources Conservation Service. Explain rationale:
DATA REVIEWED FOR JURISDICTIONAL DETERM [X] Maps, plans, plots or plat submitted by or on behalf [X] Data sheets prepared/submitted by or on behalf of [] This office concurs with the delineation report, of [] This office does not concur with the delineation [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey 7.5 Minute Topographic m [] U.S. Geological Survey 7.5 Minute Historic quadran [] U.S. Geological Survey 15 Minute Historic quadran [X] USDA Natural Resources Conservation Service Soil [] National wetlands inventory maps: [] State/Local wetland inventory maps: [] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD) [] Aerial Photographs (Name & Date): [] Advanced Identification Wetland maps: [X] Site visit/determination conducted on: September 2 [] Applicable/supporting case law: [] Other information (please specify):	If of the applicant. the applicant. dated , prepared by (company): report, dated , prepared by (company): aps: Fleishmanns, Shandaken and West Kill, NY ngles: gles: il Survey: Ulster County, NY

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2001-01347

PROJECT LOCATION INFORMATION:

State: New York County: Ulster

Center coordinates of site (latitude/longitude): lat:41-59-33.7920 lon:73-57-54.9360

Approximate size of area (parcel) reviewed, including uplands: 30 acres.

Name of nearest waterway: Unnamed Tributary Name of watershed: HUDSON RIVER

JURISDICTIONAL DETERMINATION

Completed: Desktop determination [] Date:

Site visit(s) [X] Date(s): 11/8/01, 12/4/02, 11/9/04

Jurisdictional Determination (JD):

[X	[X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
[]	Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	[] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	[] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	[] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are contiguous to an unnamed tributary to the Hudson River, which is navigable.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
	[] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
	[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[] physical markings/characteristics
	destruction of terrestrial vegetation	[tidal gages
	[] shelving	[] other:
		[] other.
	[] other:	
	[] Mean High Water Mark indicated by:	
		gs; [] vegetation lines/changes in vegetation types.
	[X] Wetland boundaries, as shown on the attached wet	tland delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area consists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 CF	R part 328(a)(1, 2, or 4-7).
	[] Headquarters declined to approve jurisdiction on the	
		that the following waters present on the site are not Waters of
	the United States:	The two total and the transfer of the transfer of
	[] Waste treatment systems, including treatment po	onds or Japons, pursuant to 33 CFR part 328 3
	Artificially irrigated areas, which would revert	
	[] Artificial lakes and ponds created by excavating	
	rice growing.	such purposes as stock watering, irrigation, settling basins, or
	Artificial reflecting or swimming pools or other	small ornamental hodies of water created
	by excavating and/or diking dry land to retain v	
		idental to construction activity and pits excavated in dry land for
		less and until the construction or exeavation operation is
		ts the definition of waters of the United States found at 33 CFR
	328.3(a).	
	[] Isolated, intrastate wetland with no nexus to int	
	[] Prior converted cropland, as determined by the	Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavate	ed on dry land. Explain rationale:
	[] Other (explain):	
DATA	DEVIEWED FOR HUDIONICTIONAL DETERMINAL	TION (mark all that apply)
DATA	REVIEWED FOR JURISDICTIONAL DETERMINA	
	[X] Maps, plans, plots or plat submitted by or on beha	
	[X] Data sheets prepared/submitted by or on behalf of	• •
	[] This office concurs with the delineation report,	
	[] This office does not concur with the delineation	report, dated , prepared by (company):
	[] Data sheets prepared by the Corps.	
	[] Corps' navigable waters' studies:	
	[] U.S. Geological Survey Hydrologic Atlas:	
	[X] U.S. Geological Survey 7.5 Minute Topographic n	naps: Kingston East, NY
	[] U.S. Geological Survey 7.5 Minute Historic quadra	
	[] U.S. Geological Survey 15 Minute Historic quadrar	
	[X] USDA Natural Resources Conservation Service So	
	[X] National wetlands inventory maps: Kingston East,	
	[X] State/Local wetland inventory maps: Kingston Eas	t, NY
	[] FEMA/FIRM maps (Map Name & Datc):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	[] Acrial Photographs (Name & Date):	
	[X] Other photographs (Date):	
	Advanced Identification Wetland maps:	
	[X] Site visit/determination conducted on: 11/8/01, 12/	/4/02. 11/9/04
	[] Applicable/supporting case law:	,
	[] Other information (please specify):	
	[] Other information (piease specify).	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wctlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

NEW YORK DISTRICT (CENAN) DISTRICT OFFICE: FILE NUMBER: 2004-00716 PROJECT LOCATION INFORMATION: State: New York County: Schenectady Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 1.9 acres. Name of nearest waterway: Unnamed Tributary HUDSON RIVER - POUGHKEEPSIE TO TROY Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: Site visits [X]Dates: August 2, 2004, September 30, 2004 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the cbb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affeet interstate commerce including any such waters (cheek all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

[] (7) The presence of wetlands adjacent2 to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFR)	parts 328 and 329)
[] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[] clear, natural line impressed on the hank	[] oil or scum line along shore objects
[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristics
[] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
[] other:	[] other.
[] other.	
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical markings	s: [] vegetation lines/changes in vegetation types
[] survey to available datum; [] physical marking.	s, [] regetation lines/enanges in regetation types.
[] Wetland boundaries, as shown on the attached wetla	and delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR	2 part 328(a)(1 2 or 4-7)
[] Headquarters declined to approve jurisdiction on the	
	that the following waters present on the site are not Waters of
the United States:	that the following waters present on the site are not waters of
[] Waste treatment systems, including treatment por	nds or lagoons, pursuant to 33 CEP, part 328 3
Artificially irrigated areas, which would revert to	
[] Artificial lakes and ponds created by excavating	
•	such purposes as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or other s	
by excavating and/or diking dry land to retain wa	
	dental to construction activity and pits excavated in dry land for
	ess and until the construction or excavation operation is
	the definition of waters of the United States found at 33 CFR
328.3(a).	
[X] Isolated, intrastate wetland with no nexus to inte	
[] Prior converted cropland, as determined by the N	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavated	d on dry land. Explain rationale:
[] Other (explain):	
DATA DEVIEWED FOR HUDIORICHIONAL DETERM	INATION (
DATA REVIEWED FOR JURISDICTIONAL DETERM	
[X] Maps, plans, plots or plat submitted by or on behalf	
[X] Data sheets prepared/submitted by or on behalf of t	
[X] This office concurs with the delineation report, of	
[] This office does not concur with the delineation	report, dated , prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic ma	
[X] U.S. Geological Survey 7.5 Minute Historic quadran	
[] U.S. Geological Survey 15 Minute Historic quadrang	gles:
[X] USDA Natural Resources Conservation Service Soil	Survey:Seheneetady County NY
[X] National wetlands inventory maps:1998 Niskayuna	
[X] State/Local wetland inventory maps:NYSDEC Sche	ncetady County No. 8
[X] FEMA/FIRM maps (Map Name & Datc):Communit	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[X] Other photographs (Date):	
Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: September 8,	2004 and September 30, 2004
[] Applicable/supporting case law:	2001 and Deptember 20, 2007
[] Other information (please specify):	
[] Omer information (please specify).	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2004-01050 PROJECT LOCATION INFORMATION: State: New York County: Ulster Center coordinates of site (latitude/longitude): lat:41-42-37.6920 lon:74-0-51.5880 Approximate size of area (parcel) reviewed, including uplands: 14.64 acres. Name of nearest waterway: Unnamed Tributary to Black Creek Name of watershed: HUDSON RIVER - POUGHKEEPSIE TO TROY JURISDICTIONAL DETERMINATION Desktop determination Completed: [] Site visit(s) [X]Date(s): January 10, 2005 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidanee) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 2.08 acres. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,

- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include perennial streams which flow to Black Creek, which flows to the Hudson River, which is navigable.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)	
[]	[X] Ordinary High Water Mark indicated by: [] High Tide Line indicated by:	
	[X] clear, natural line impressed on the bank [] oil or seum line along shore objects	3
	[X] the presence of litter and debris [] fine shell or debris deposits (foresh	ore)
	[X] changes in the character of soil [] physical markings/characteristics	,
	[] destruction of terrestrial vegetation [] tidal gages	
	[] shelving [] other:	
	[] other:	
	[] other.	
г.	F. I. Marrie Water Marrie in directed from	
L	[] Mean High Water Mark indicated by:	
	[] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.	
LZ	[X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report	nronorod bu
Ļ	[X] Wettaild boundaries, as shown on the attached wettaild defineation map and/or in a defineation report	prepared by:
R	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area consists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).	
	[] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).	
L.	[] The Corps has made a case-specific determination that the following waters present on the site are not	. Waters of
	the United States:	
	[] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.	
	[] Artificially irrigated areas, which would revert to upland if the irrigation eeased.	
	[] Artificial lakes and ponds created by excavating and/or diking dry land to collect and	
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling	basins, or
	rice growing.	
	[] Artificial reflecting or swimming pools or other small ornamental bodies of water created	
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.	
	[] Water-filled depressions created in dry land incidental to construction activity and pits excavated in	dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation	
	abandoned and the resulting body of water meets the definition of waters of the United States foun	
	328.3(a).	u at 33 CFK
	[] Isolated, intrastate wetland with no nexus to interstate commerce.	
	[] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain ra	tionale:
	[] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:	
	[] Other (explain):	
	ATTA DESCRIPTION FOR HISTORICPIONAL PETERMINATION (
	ATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):	
	[X] Maps, plans, plots or plat suhmitted by or on behalf of the applicant.	
[X	[X] Data sheets prepared/submitted by or on behalf of the applicant.	
	[] This office concurs with the delineation report, dated , prepared by (company):	
	[] This office does not concur with the delineation report, dated , prepared by (company):	
[]	[] Data sheets prepared by the Corps.	
[]	[] Corps' navigable waters' studies:	
	[] U.S. Geological Survey Hydrologic Atlas:	
	[X] U.S. Geological Survey 7.5 Minute Topographie maps: Clintondale, NY	
	[] U.S. Geological Survey 7.5 Minute Historic quadrangles:	
	U.S. Geological Survey 15 Minute Historic quadrangles:	
	[X] USDA Natural Resources Conservation Service Soil Survey: Ulster County, NY	
	[X] National wetlands inventory maps: Clintondale, NY	
	[X] State/Local wetland inventory maps: Clintondale, NY	
	[7] State Bocal wetland inventory maps. Crimondale, NT [7] FEMA/FIRM maps (Map Name & Date):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	[] Aerial Photographs (Name & Date):	
	[X] Other photographs (Date):	
	[] Advanced Identification Wetland maps:	
	[X] Site visit/determination conducted on: January 10, 2005	
	[] Applicable/supporting case law:	
[]	[] Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.